

DECLARATION, POWER OF ATTORNEY, AND PETITION

We,

- (1)    Name:        Lew Aronson  
       Address:    794 Manor Way  
                     Los Altos, California 94042  
       Citizenship: USA
- (2)    Name:        Lucy Hosking  
       Address:    320 Swift Street  
                     Santa Cruz, California 95060  
       Citizenship: USA
- (3)    Name:        Marcin Matuszkiewicz  
       Address:    657 Begonia Way, #4  
                     Sunnyvale, CA 94086  
       Citizenship: Canada
- (4)    Name:        Beck Mason  
       Address:    4673 Batten Way  
                     San Jose, CA 95135  
       Citizenship: Canada

declare: that our citizenship, residence address, and post office address are as set forth above; that we verily believe we are the original, first, and joint inventors of the subject matter of the invention or discovery entitled OUT-OF-BAND DATA COMMUNICATION BETWEEN NETWORK TRANSCEIVERS for which a patent is sought and which is described and claimed in the specification attached hereto; that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to herein; and that we acknowledge the duty to disclose information which is material to the

patentability of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys and/or patent agents those listed under the following Customer Number with full power to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

**022913**  
**Customer Number**

All correspondence and telephonic communications should be directed to:

ERIC L. MASCHOFF  
**022913**  
**Customer Number**  
Telephone: (801) 533-9800  
Facsimile: (801) 328-1707

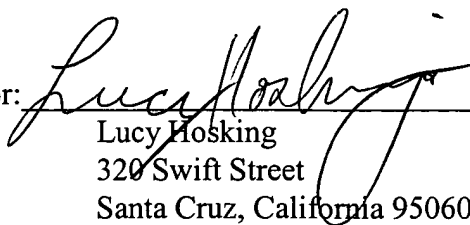
Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at this 7th day of April, 2004.

Inventor: Lew Aronson  
Lew Aronson  
794 Manor Way  
Los Altos, California 94042

Signed at this 7 day of April, 2004.


Inventor:

  
Lucy Hosking  
320 Swift Street  
Santa Cruz, California 95060

Signed at this 8 day of April, 2004.

Inventor: M. Matuszkiewicz  
Marcin Matuszkiewicz  
657 Begonia Way, #4  
Sunnyvale, CA 94086

Signed at this 7 day of April, 2004.

Inventor:   
Beck Mason  
4673 Batten Way  
San Jose, CA 95135

ML0000000532V001.doc